

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE GREENEVILLE DIVISION

B.P., H.A., and S.H., individually, and on )  
Behalf of all others similarly situated, )  
 )  
Plaintiffs, )  
 )  
VERSUS )  
 )  
CITY OF JOHNSON CITY, TENNESSEE, *et al* )  
 )  
Defendants. )

No. 2:23-cv-00071-TRM-CRW

**NOTICE BY PREVAILING PARTY KEVIN PETERS  
TO STRIKE MOTION FOR § 1988 ATTORNEY FEES (DE 323)**

COMES NOW Kevin Peters, by and through counsel, in consideration of Plaintiffs' Motion and Notice of Withdrawal (DE 488), to withdraw their improvident attempt to reinstitute suit against him and others (DE 419) after the Court dismissed the case against him on the merits, with prejudice (DE 301), hereby gives notice that as prevailing party in this matter pursuant to 42 U.S.C. § 1988, he nevertheless strikes his Motion for Attorney Fees (DE 323). The Court may deny same as moot.<sup>1</sup> This Defendant further gives notice to strike his Bill of Costs (DE 320), which may also be denied as moot.

This suit, as it relates to Defendant Peters, was groundless from the very beginning. It further became very clear quickly in the litigation that there were no facts to support Plaintiffs' claims against Mr. Peters. Both Plaintiffs suing him testified as such. (See, DE 323-1 and 323-2). **The Court dismissed all of Plaintiffs' claims against Defendant Peters on the merits.**

Nevertheless, as Plaintiffs have abandoned further improvident attempts to sue him after the Court's dismissal on the merits, Defendant Peters is content to let this suit end.

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<sup>1</sup> Defendant Peters has filed other requests for attorneys' fees due to Plaintiffs' and their counsel's conduct (see, e.g. DE 196), which the Court has already addressed (see, e.g., 460). For clarity, Defendant Peters no longer intends to pursue any motion for recovery of attorney fees or costs, now that the case has been finally dismissed.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically with the Court. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

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This the 14th day of February, 2025.

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